

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL NO. 1:06CR20-8
(Judge Keeley)

DWAYNE ANDERSON,

Defendant.

ORDER LIFTING STAY AND SCHEDULING RESENTENCING HEARING

By Order dated December 11, 2008, this Court stayed all proceedings in this case, pending resolution of an interlocutory appeal to the Fourth Circuit Court of Appeals, filed by the defendant, Dwayne Anderson ("Anderson"). On January 20, 2009, the Fourth Circuit entered an Order granting the Government's motion to dismiss the appeal, and on January 21, 2009, it entered a judgment dismissing the appeal. On February 12, 2009, the mandate issued, and thus that judgment is now in effect.

Because this interlocutory appeal is now resolved, the Court **LIFTS THE STAY** on this case, and sets the **re-sentencing hearing** for **Friday, May 1, 2009, at 10:00 a.m.** at the **Clarksburg, West Virginia** point of holding court. The Court notes that the Government has already filed a brief regarding the re-sentencing. Thus, Anderson, through his counsel, may submit a brief in support of his re-sentencing by **Friday, March 20, 2009**. The Government may submit any response by **Friday, April 3, 2009**.

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ORDER LIFTING STAY AND SCHEDULING RE-SENTENCING HEARING

It is so ORDERED.

The Court directs the Clerk to transmit copies of this Order to counsel of record, the Office of Probation and all appropriate agencies.

DATED: February 20, 2009.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE